



TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Berthold MAIWALD et al.

Art Unit: 1731

Application No: 10/810,681

Examiner: Dionne A. Walls

Confirmation No: 1234

Atty. Docket No: 41653-202339

Filed: March 29, 2004

Customer No:

For: METHOD OF AND APPARATUS FOR  
APPLYING ADHESIVE TO WEBS OF  
WRAPPING MATERIAL

**26694**

PATENT TRADEMARK OFFICE

**RESPONSE TO RESTRICTION REQUIREMENT**  
**AND ELECTION OF SPECIES**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the requirement for restriction and election of species set forth in the Office Action mailed on December 17, 2004, Applicants hereby elect, without traverse, Group I containing claims 1-9 drawn to a method of making rod-shaped smoker's products.

Applicants further elect Group A of the alleged two disclosed species for prosecution on the merits, with traverse. Claim 1 does not recite that flow is not regulated. Claim 1 is silent as to how adhesives are conveyed. That is, claim 1 covers a method that does not specify how the flow of adhesive is regulated, which includes methods where the conveyed adhesives are regulated. In fact, dependent claim 4 positively recites that the step of intermittently applying includes regulating the flow of adhesive by a rotary valve (as in claim 7). Thus, it is submitted that there are not two methods (one with no regulation and a second with regulation).

Further, claim 7 is not limited to a single source of adhesive. The preamble of claim 7 recites a tubular envelope with at least one film of an adhesive. That is, claim 7 is not limited to a single adhesive as the first step recites: establishing at least one source of flowable adhesive.

If the Examiner determines that the election of species is proper, it is believed that claims 1-6 and 8-9 read in the elected species: a method having first and second sources of flowable adhesive and claim 1 is generic to both A) and B).

Further examination of claims 1-6 and 8-9 is respectfully requested.

Respectfully submitted,

Date: January 6, 2005

  
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